

EXHIBIT “W”

1 GARG, TYRE & BROWN
2 6400 Sunset Building
3 Hollywood, California 90028
4 (213) 463-4863

5 Attorneys for Ancillary Executor

FILED

MAY 21 1976

P.J. 642

BY R. J. COFFEY, DEPUTY

DATE OF HEARING

June 15, 1976

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

10

11 IN THE MATTER OF THE ESTATE) NO. 458,935

12 OF

13 MARILYN MONROE,

14 Deceased.

15) FIRST AND FINAL ACCOUNT OF ANCILLARY
16) EXECUTOR; REPORT; PETITION FOR ALLOW-
17) ANCE OF STATUTORY AND EXTRAORDINARY
18) EXECUTOR'S COMMISSIONS AND ATTORNEYS'
19) FEES, INCLUDING ALLOWANCE FOR FEES OF
20) SPECIAL ADMINISTRATOR AND HER ATTOR-
21) NEYS; PETITION FOR ORDER DIRECTING
22) DEPOSIT OF MONEYS DUE UNLOCATED
23) CLAIMANT; AND PETITION FOR FINAL
24) DISTRIBUTION TO DOMICILIARY EXECUTOR

18 TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
19 COUNTY OF LOS ANGELES:

20 The petition of AARON R. FROSCHE, Ancillary Executor of
21 the Estate of Marilyn Monroe, Deceased, respectfully shows:

23 DATE OF DEATH:

24 Decedent herein died on or about August 5, 1962, at
25 Los Angeles, California, leaving estate therein.

26 ANCILLARY LETTERS TESTAMENTARY:

27 At the time of her death, decedent was a resident of the
28 County of New York, State of New York. Ancillary Letters

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17

1 Testamentary were issued on February 26, 1964, to petitioner
 2 herein, who, ever since said date, has been and now is the duly
 3 qualified and acting ancillary executor of the above estate.

4
 5 SPECIAL NOTICES:

6
 7 Requests for Special Notice have been filed herein by
 8 the Director of Employment, 800 Capitol Avenue, Sacramento,
 9 California; Inez C. Melson, c/o Marcus, Kohn & Epstein (now
 10 known as Marcus & Ezor), 9250 Wilshire Boulevard, Beverly Hills,
 11 California 90212; District Director of Internal Revenue, P.O.
 12 Box 1431, Los Angeles, California, Attention Special Procedures,
 13 Room 1355, Probate Unit; and Berniece Miracle, c/o Dixon, Howell &
 14 Westmoreland (now known as Dixon, Howell, Westmoreland & Newman),
 15 924 Westwood Boulevard, Suite 705, Los Angeles, California 90024,
 16 and also c/o James Stuart Wershow, 212 South East First Street,
 17 Gainesville, Florida 32601. The Request for Special Notice filed
 18 on behalf of the District Director of Internal Revenue has been
 19 withdrawn per Proof of Claim, Special Notice Withdrawal Request,
 20 heretofore filed in the above estate. The Request for Special
 21 Notice heretofore filed by the Department of Employment has been
 22 withdrawn per the Withdrawal of Request of Special Notice from
 23 the Director of the Department of Human Resources Development
 24 (formerly known as Department of Employment and now known as
 25 Employment Development Department), on file in the above estate.
 26 Special Notice of the hearing on the within petition will be
 27
 28

1 given to the other parties listed above, as required by law.

2 No other Requests for Special Notice are on file herein.

3

4 INVENTORY AND APPRAISEMENT:

5

6 An Inventory and Appraisement of the assets of said

7 estate located within the State of California was returned

8 and filed on or about April 16, 1963, showing the appraised

9 value of decedent's estate in California to be \$92,781.00.

10

11 NOTICE TO CREDITORS:

12

13 Notice to creditors of decedent has been duly published,

14 the first publication thereof being on March 4, 1963. A

15 printed copy of said notice accompanied by a declaration

16 setting forth the date of first publication thereof and the

17 name of the newspaper in which the same was printed was duly

18 filed herein on March 25, 1963, at which time the Declaration

19 of Publication showing the due publication of notice to

20 creditors of said decedent was duly filed.

21

22 CREDITORS' CLAIMS:

23

24 The following is a schedule of all creditor's claims

25 filed or presented against the above estate:

26 ...

27 ...

28 ...

<u>1 Claimant</u>	<u>Amount</u>
2 Department of Employment	\$ 99.18 (plus interest)
3 Vicente Pharmacy	58.57 1/2
4 C & J Howard, Inc., dba Landon Pool Service	37.00
5	
6 H. B. Thompson (Thompson Electric Co.)	111.45 1/2
7 Santa Monica Dairy, dba Edgemar Farms	6.06 1/2
8	
9 Saks Fifth Avenue	338.32 1/2
10 Raese Period Furniture	313.02
11 The Arthur P. Jacobs Co.	797.95
12 Agnes M. Flanagan	840.00
13 James M. Attley, dba The Adair Co.	29.85
14 Robert K. Goka, dba Frank's Nurseries	59.64 1/2
15 Pacific Telephone	14.66
16 A. Ray Tolman	150.00
17 City National Bank	35,244.68 (plus interest)
18 Allan Snyder	1,800.00
19 Dr. Hyman Engleberg	478.00
20 Malone Studio Service, Inc.	111.50 1/2
21 Magnetic Springs Water Co.	3.60
22 Drs. Conti and Steinberg	25.00 1/2
23 General Telephone	274.61
24 Don J. Briggs, Inc.	215.41 1/2
25 Sam S. Tateishi	40.00 1/2
26 Rand-Fields, Inc.	205.59
27 Austin A. Innes	44.17
28 Buzin News Co.	94.00

	<u>Amount</u>
1 <u>Claimant</u>	
2 MCA Artists, Ltd.	37,228.61 (plus contingency)
3	
4 Dr. Ralph R. Greenson	1,400.00
5 Jose Paraco <i>Paul Smith</i>	66.00
6 Norman Jeffries	100.00
7 Jack M. Ostrow	2,500.00 ⁹
8 Cherie Redmond	200.00
9 Francis-Orr Stationery Co.	5.55
10 Mura Bright	1,132.27 <i>1000</i>
11 Edward P. Halavaty	17.28
12 U. S. Treasury Department, Internal Revenue Service	21,724.72

13

14 All of said claims were approved and allowed as presented,

15 and paid herein, as shown by receipts on file, except as follows:

16

17 (1) The claim of Edward P. Halavaty in the original

18 amount of \$59.33 was approved for the amount of ✓

19 \$17.28, following Partial Withdrawal of Claim by claimant of

20 the sum of \$42.05; and, as so approved, was paid.

21

22 (2) The claim of Mura Bright was allowed in part only

23 and rejected in part. Notice of Partial Rejection

24 of Claim: Partial Approval of Claim was duly given to said

25 claimant on June 23, 1965, and was filed herein on July 1, 1965.

26 No action was taken by said claimant within the time allowed by

27 ...

28 ...

1 law, and the claim, as partially approved, has been paid.

2 (3) The claim of the U. S. Treasury Department in
3 the amount approved and allowed herein was paid
4 by the domiciliary executor in New York: a Proof of Claim
5 Special Notice Withdrawal Request, signed by the District
6 Director of Internal Revenue, reciting payment, was filed
7 herein on or about March 4, 1971.

8 (4) The claim of MCA Artists, Ltd., has been paid
9 or satisfied through the domiciliary probate
10 of decedent's estate in New York, and Receipt and Consent To
11 Distribution of MCA Artists is on file herein. ✓

12 (5) The claim of Jose Paraco in the amount of \$66.00
13 was approved and allowed but payment has not yet
14 been made because petitioner has been unable to locate Mr.
15 Paraco. Said claim is the subject of the petition for order
16 directing deposit of moneys, set forth below.

17
18 The time for filing creditors' claims against the
19 within estate has long since expired.

20
21 ACCOUNTING AND RECAPITULATION:

22
23 Petitioner herein renders to the Court his First and
24 Final Account with reference to his administration of the
25 above estate, covering the period February 26, 1963, through
26 March 15, 1976.

27 ...

28 ...

1 Attached hereto, marked Exhibit 1, and by this reference
2 made a part hereof, is an accounting in detail for the period
3 of this account. Schedule A thereof sets forth receipts during
4 said period; Schedule B thereof sets forth disbursements during
5 said period; Schedule C thereof shows gains on sales during
6 said period; and Schedule D thereof sets forth assets on hand
7 at the end of said accounting period.

8 The face page of Exhibit 1 is a summary of account,
9 showing assets on hand at March 15, 1976, of \$26,375.89, of
10 which \$24,788.89 constituted cash on hand or in savings accounts,
11 and the balance consists of assets other than cash at their
12 appraised values.

13

14 REPORT:

15

16 Petitioner herein renders to the Court this Report on
17 his administration of the above estate:

18 (1) At the time of decedent's death in August,

19 1962, decedent left no relatives or other

20 close personal associates in California. Petitioner herein,

21 having been designated as executor in decedent's will, arranged

22 immediately for the appointment of JAMES C. NELSON, as Special

23 Administrator, in order that decedent's effects and property

24 could be preserved and protected from the curious onlookers

25 and mourners who descended on the estate. Petitioner then

26 arranged in due course for Ancillary Letters Testamentary

27 ...

28 ...

1 to be issued to him in California and undertook the detailed
2 administration of decedent's estate.

3 (2) Because of the large number of creditors' claims
4 filed against the decedent's estate, the large
5 tax liens and the difficulty of assembling assets, petitioner
6 was unable to pay the creditors' claims or to assemble enough
7 assets in order to satisfy the decedent's obligations in
8 California until the end of 1970.

9 (3) During this period, petitioner negotiated and
10 arranged for the sale of decedent's house and
11 a portion of decedent's personal belongings which were sold
12 as a unit to the highest bidder in accordance with the Order
13 Confirming Sale of Real and Personal Property Sold as a Unit
14 on file herein. Petitioner also sold certain items of personal
15 property belonging to decedent's estate as set forth in the
16 Return and Petition for Order Approving Sale of Personal Property
17 Likely to Depreciate in Value, and Order Approving Such Sale
18 on file. Said sales resulted in a net gain to decedent's estate
19 of \$5,119.00, as more specifically set forth on Schedule "C" of
20 Exhibit "1" attached.

21 (4) Petitioner caused to be filed the California
22 Inheritance Tax Affidavit and filed an
23 Affidavit of Non-Residence and supporting Affidavits of other
24 individuals, and obtained a determination that decedent was a
25 non-resident of California at the time of her death for inheri-
26 tance tax purposes. The California Inheritance Tax for said
27 estate has been determined and paid in full as shown by the
28 ...

1 Report and Receipt on file in the within proceedings.

2 (5) The Federal Estate Tax Return for decedent's
3 entire gross estate, including the assets
4 constituting the gross estate in California subject to adminis-
5 tration herein, has been filed and audited and all tax due in
6 connection therewith have been paid.

7 (6) The California fiduciary income tax liability
8 of the estate for the years 1962 through 1970
9 was the subject of dispute and litigation between petitioner
10 herein and the Franchise Tax Board. Said litigation has now
11 been settled and compromised; and tax assessed by reason thereof
12 has been paid as set forth in the Petition for Order Approving
13 Compromise (Claim Against Estate), and Order Approving Comprom-
14 ise (Claim Against Estate) on file herein, and Satisfaction of
15 Judgment heretofore filed. California fiduciary income tax
16 returns for the years 1971 through 1975 have been filed and
17 all tax shown due thereon have been paid. Petitioner will
18 cause the final California fiduciary tax return for the year
19 1976 to be filed upon final distribution of decedent's estate
20 and any tax shown due thereon to be duly paid.

21 (7) All personal property taxes, if any, due and
22 payable by said estate have been paid.

23 PETITION FOR ORDER DIRECTING DEPOSIT OF MONIES DUE

24 UNLOCATED CLAIMANT:

25 In June, 1963, one Jose Paraco (or Cararaco -- the inter-
26 pretation of his surname being unclear) filed a creditor's
27 claim against the estate in the sum of \$66.00 for file-laying
28 services rendered to the decedent. Said claim was approved and

1 allowed but was not paid at that time because there were not
 2 sufficient funds then available for payment of all claims.
 3 During the year 1971, petitioner endeavored to make payment
 4 of said claim but was unable to locate the claimant. Said
 5 attempts were as follows: (1) Petitioner sent the check to
 6 the last known address of said claimant on two different occa-
 7 sions, using both names referred to above; on both occasions
 8 the letter was returned, marked in one case "Moved, not forward-
 9 able" and in the second case "Addressee unknown." (2) Peti-
 10 tioner searched the telephone directories in the Los Angeles
 11 area for all listings under the name of Paraco or of Cararaco
 12 and phoned them all. None of them was the claimant and none of
 13 them was able to give any leads as to any other person who
 14 might be the claimant. (3) Petitioner then successively
 15 contacted Mrs. Melson, the former Special Administrator of
 16 the within estate, who had supervised matters at the time of
 17 decedent's death; Mura Bright, the interior decorator; and Mrs.
 18 Murray, who had been decedent's housekeeper. None of them had
 19 any information with respect to the claimant or his whereabouts.

20 Petitioner believes, from the indication of Mrs. Murray,
 21 that the claimant may have been a Mexican citizen who was in
 22 this country only temporarily due to the work involved.

23 Petitioner therefore requests that pursuant to Probate Code
 24 § 739, the Court fix the amount owing to Jose Paraco (or Cararaco)
 25 at \$66.00 and direct him to deposit the said sum of \$66.00 with
 26 the County Treasurer, Los Angeles, California, who shall give

27 ...
 28 ...

1 a receipt for the same, such sum to be received, accounted
2 for and disposed of as provided in said § 13th.

3

4 FEES AND COMMISSIONS:

5

6 Petitioner alleges that he is entitled to statutory
7 ancillary executor's commissions in the sum of \$2,969.15, based
8 upon an estate accounted for as shown on Exhibit II hereto
9 attached. The Special Administrator of the above estate makes
10 no claim to any share of said statutory fees but, instead,
11 requests only the extraordinary fees set forth below.

12 Petitioner further alleges that he is entitled to extra-
13 ordinary executor's commissions in the sum of \$6,000.00 for
14 services rendered during the period of administration of this
15 estate, as set forth in Exhibit III, Section A, hereto attached.

16 In addition, petitioner alleges that Inez C. Melson, as
17 Special Administratrix of the above estate, is entitled to
18 extraordinary commissions in the sum of \$3,500.00, based on
19 the facts set forth in Exhibit III, Section B, hereto attached,
20 being the statement of Inez C. Melson with respect to the
21 services rendered by her in connection with the above estate,
22 which involved more than 574 hours of time on her part.

23 Petitioner further declares that the attorneys for the
24 estate are entitled to statutory attorneys' fees in the sum
25 of \$2,969.15, based upon an estate accounted for as set forth
26 in Exhibit II hereto attached. Petitioner's said attorneys
27 are Gang, Tyre & Brown (formerly Gang, Tyre, Rudin & Brown).

28

1 The attorney representing Inez C. Nelson as Special Adminis-
2 tratrix is Abraham Marcus. Said attorneys have agreed upon a
3 division of the statutory fees between them so that Abraham
4 Marcus will receive 25% and Gang, Tyre & Brown will receive
5 75% of said statutory attorneys' fees.

6 In addition to the foregoing, petitioner's attorneys,
7 Gang, Tyre & Brown, have requested extraordinary attorneys'
8 fees in the sum of \$12,000.00 for extraordinary services
9 rendered by them in connection with the above estate during
10 the period of almost fourteen years during which this estate
11 has been in the process of administration. A statement of
12 the services rendered by Gang, Tyre & Brown or their predecessor
13 in interest, Gang, Tyre, Rudin & Brown, is set forth in Exhibit
14 III, Section C, hereto attached.

15 Petitioner believes and therefore alleges that the
16 extraordinary executor's commissions and attorneys' fees as
17 prayed for herein are fair and reasonable and should be
18 allowed.

19 In the event that the fees herein requested and allowed
20 and expenses incidental to distribution exceed the amount of
21 cash available in this ancillary administration, the executor
22 in New York will provide the necessary funds.

23

24 BENEFICIARIES:

25

26 Decedent died testate. She left no spouse or issue her
27 surviving. Her mother, Gladys Eley, also known as Gladys
28 Baker, and her half-sister, Berniece Miracle, reside outside

1 the State of California. The names and last known addresses
 2 of the beneficiaries designated in decedent's will, so far
 3 as is known to petitioner, are as follows:

4	<u>Name</u>	<u>Address</u>
5	Gladys Eley, aka <i>for [unclear]</i>	c/o Berniece Miracle
6	Gladys Baker <i>for [unclear]</i>	330 South West 27th Street
7	Berniece Miracle	Gainesville, Florida
8		c/o Dixon, Howell, Westmoreland &
9		Newman
10		924 Westwood Blvd.
11		Los Angeles, Calif. 90024
12		c/o James Stuart Wershow, Esq.
13		212 South East First Street
14		Gainesville, Florida 32601
15		(Residence: 330 South West 27th St.
16		Gainesville, Florida)
17	Lee Strassburg <i>✓</i>	135 Central Park West
18		New York, New York
19	May Reis <i>✓</i>	299 West 12th Street
20		New York, New York 10014
21	Estate of Mrs. Xenia Julia	c/o Belcher, Henzie & Diegenzahn
22	Chekhov (Mrs. Michael	333 So. Hope St., Suite 3650
23	Chekhov) <i>for [unclear]</i>	Los Angeles, Calif. 90017
24	Norman Rosten	84 Remsen Street
25		Brooklyn, New York 11201
26	Hedda Rosten <i>✓</i>	84 Remsen Street
27		Brooklyn, New York 11201
28	Dr. Mariane Kris	135 Central Park West
29		New York, New York

30 All of the beneficiaries named in decedent's will
 31 are living except for Mrs. Michael Chekhov, who died in 1970.

32 ...

33 ...

34 ...

35 ...

1 Notice of hearing of the within petition will be given to all
 2 beneficiaries and to the Estate of Mrs. Michael Chekhev. Since
 3 the executor in New York is the same individual as the ancillary
 4 executor in California, no notice will be given to the estate
 5 in New York.

6
 7 DISTRIBUTION:

8
 9 Petitioner herein alleges: that, except for fees allowed
 10 herein and expenses incidental to distribution, all obligations
 11 and liabilities of decedent's estate in the State of California
 12 have been determined and paid; that all creditors' claims
 13 filed against decedent's estate have been paid or appropriately
 14 disposed of, except for the claim of Jose Paraco, as to which
 15 a request for deposit with the County Clerk will be made as
 16 requested above, and the time for filing creditors' claims has
 17 expired; that all known tax liabilities of decedent's estate
 18 in this jurisdiction have been determined and paid; and that
 19 said estate is now in a position to be finally closed and
 20 distributed.

* 21 The Last Will and Testament of decedent has been duly
 22 admitted to probate in the Surrogate's Court of the County of
 23 New York, State of New York, where decedent was domiciled at
 24 the time of her death, and Aaron R. Frosch has been duly
 25 appointed as executor by said Court and qualified therein. It
 26 is necessary, in order that decedent's estate in California may
 27 be distributed according to decedent's will, that all of the
 28 assets herein be delivered to Aaron R. Frosch, as executor

1 of decedent's will under the laws of the State of New York.

2 Accordingly, subject to payment of fees allowed
3 herein and expenses of distribution, petitioner herein seeks
4 distribution of all of the assets of decedent's estate lo-
5 cated in the State of California, whether or not described
6 herein or hereafter discovered, and consisting, so far as
7 is known to petitioner, of the following:

8

- 9 (1) Clothing and personal effects
10 (2) Balance of furniture and furnishings
11 (3) Balance of cash on hand or in
12 savings accounts

13

14 to Aaron R. Frosch, as executor of decedent's will, appointed
15 by the Surrogate's Court, County of New York, State of New
16 York.

17

18 WHEREFORE, petitioner prays:

19

20 1. That the First and Final Account and Report of
21 petitioner herein be settled, allowed and approved,
22 showing a balance of assets on hand of \$26,375.89, of which
23 \$24,788.89 constitutes cash on hand or in savings accounts
24 and the balance consists of assets other than cash at the
25 appraised values thereof.

26 2. That petitioner be directed to deposit the sum
27 of \$66.00, which is hereby fixed as the amount

28

1 of the claim of Jose Garazo (or Jose Garazo), with the
2 County Treasurer of the County of Los Angeles, California,
3 to be receipted, accounted for and disposed of in the manner
4 provided in Probate Code § 732.
5

6 3. That there be allowed to petitioner herein
7 statutory executor's commissions in the sum
8 of \$2,969.15; that, in addition, there be allowed to said
9 Aaron R. Frosch extraordinary executor's commissions in
10 the sum of \$ 5,000.00, and that, in addition, there
11 be allowed, as extraordinary commissions, to Inez C. Melson
12 for her services as Special Administratrix the sum of
13 \$3,500.00.
14

15 4. That there be allowed to petitioner's attorneys,
16 Gang, Tyre & Brown, and the attorney for the
17 Special Administrator, Abraham Marcus, the sum of \$2,969.15 ✓
18 statutory legal fees, allocated \$2,226.86 to Gang, Tyre &
19 Brown and \$742.29 to Abraham Marcus; that, in addition,
20 there be allowed to Gang, Tyre & Brown extraordinary legal
21 fees in the sum of \$ 12,000.00.
22

23 5. That, after payment of fees and commissions
24 allowed herein and expenses incidental to
25 distribution, all of the balance of decedent's estate in
26 California, whether or not described herein or hereafter
27 ...
28 ...

1 discovered, and consisting, so far as is known, of the assets
2 set forth under the section above captioned "DISTRIBUTION,"
3 be delivered to Aaron R. Frosch, the domiciliary executor of
4 decedent's will appointed by the Surrogate's Court of the
5 County of New York, State of New York; and

6
7 6. For such other and further order as to the Court
8 may appear proper.
9

10
11 DATED: April 21, 1976.
12

13
14 Aaron R. Frosch
15 Aaron R. Frosch
16 Ancillary Executor

Petitioner

17
18
19 GANG, TYRE & BROWN
20

21 By Hermione K. Brown
22 Attorneys for Ancillary Executor
23
24
25
26
27
28

1 Estate of Marilyn Monroe: EASC No. 458,945

2 DISBURSEMENTS

3			
4		Disbursements by Special Adminis-	
5		tratrix per First and Final Account	
6		and Report of Special Administratrix	
7		and Order Settling First and Final	
8		Account, etc., on file in the	
9		above estate	\$ 1,370.53 ✓
10			
11		City National Bank charge against	
12		decedent's bank account re overdraft	
13		note payments (August, 1962)	955.00
14			
15	7/17/63	Bel Air Patrol Co., guard services	1,982.75
16	7/17/63	City National Bank creditor's claim	
17		plus interest and charges	38,516.57 ✓
18	7/17/63	Broker's commission, \$4,407.50, and	
19		\$1,801.79 for taxes, closing charges	
20		and escrow fees re sale of Helena	
21		Drive property	6,409.29
22	7/23/63	Harold J. Ostly, personal property tax	8.02
23	7/23/63	Appraisal Bureau, Inc., appraisal	
24		services	200.00
25	7/23/63	Norman Jeffries, labor	360.00
26	7/24/63	Cherie Redmond, wages plus \$129.30	
27		withholding due July, 1962	689.30
28	7/24/63	Cherie Redmond, creditor's claim	
29		for wages	200.00 ✓
30	7/25/63	West Los Angeles Patrol, guard service	350.00
31	7/26/63	Gang, Tyre & Brown, reimbursement for	
32		costs advanced to estate. (For	
33		itemization, see Schedule (1)	
34		attached.)	544.67 ✓
35	8/16/63	General Telephone Co.	77.49
36	8/16/63	Southern Counties Gas Co.	115.11
37	8/16/63	Department Water & Power	46.49

SCHEDULE B

(1)

1	<u>Estate of Marilyn Monroe:</u>		LASC No. 458,935
2			
3	8/16/63	Appraisal Bureau, Inc., appraisal services	\$ 20.00
4			
5	8/16/63	Sam S. Tateishi, gardening services	566.33
6	8/15/63	Landon Pool Service	496.52
7	10/3/63	Edward P. Halavaty, locksmith	71.55
8	11/20/63	Department of Employment	36.00
9	12/10/63	Bekins Van and Storage	54.10
10	2/5/64	Behrendt-Levy Insurance Agency, renewal executor's \$5,500 bond	27.50
11	8/10/64	Gang, Tyre & Brown, reimbursement for costs advanced to estate (For itemization, see Schedule (1) attached.)	601.75 ✓
12			
13			
14	10/15/64	Gang, Tyre & Brown, reimbursement for costs advanced to the estate (For itemization, see Schedule (1) attached.)	1,028.45 ✓
15			
16			
17	1/28/65	Behrendt-Levy Ins. Agency, renewal executor's \$5,500 bond	27.50
18	3/4/65	Gang, Tyre & Brown, reimbursement for costs advanced to the estate (For itemization, see Schedule (1) attached.)	23.50 ✓
19			
20			
21	5/10/65	Behrendt-Levy Ins. Agency, premium on executor's \$50,000 bond	201.75
22	8/4/65	Fidelity Van and Storage	102.00
23	2/9/66	Behrendt-Levy Ins. Agency, renewal executor's \$5,500 bond	27.50
24	5/9/66	Behrendt-Levy Ins. Agency, renewal executor's \$50,000 bond	201.75
25	2/15/68	Behrendt-Levy Ins. Agency, renewal executor's \$5,500 bond	28.00
26	3/4/68	United California Bank, bank service charge	9.00
27			
28			

SCHEDULE B

(2)

1	<u>Estate of Marilyn Monroe:</u>		LASC No. 458,935
2			
3	5/3/68	Behrendt-Levy Ins. Agency, renewal	
4		executor's \$50,000 bond	\$ 202.00
5	3/10/69	Behrendt-Levy Ins. Agency, renewal	
6		executor's \$5,500 bond	28.00
7	5/28/69	Behrendt-Levy Ins. Agency, renewal	
8		executor's \$50,000 bond	202.00
9	1/26/70	Franchise Tax Board, principal	
10		and interest to 2/1/70	2,801.00
11	3/5/70	Behrendt-Levy Ins. Agency, renewal	
12		of executor's \$5,500 bond	28.00
13	5/15/70	Behrendt-Levy Ins. Agency, renewal	
14		of executor's \$50,000 bond	202.00
15	7/24/70	Gang, Tyre & Brown, reimbursement of	
16		costs advanced to the estate (For	
17		itemization, see Schedule (I) attached.)	30.65
18	12/70	Department of Employment, principal	
19		amount of creditor's claim	99.18
20	12/70	Department of Employment, interest	
21		on creditor's claim - advanced by	
22		Gang, Tyre & Brown and reimbursed	
23		by estate	40.92
24	12/70	H. B. Thompson (Thompson Electric	
25		Co.), creditor's claim	111.45
26	12/70	C & J Howard, Inc., dba Landon	
27		Pool Service, creditor's claim	37.00
28	12/70	Santa Monica Dairy, dba Edgemar	
29		Farms, creditor's claim	6.06
30	12/70	Robert K. Goka, dba Frank's	
31		Nurseries, creditor's claim	59.64
32	12/70	Saks Fifth Avenue, creditor's claim	389.32
33	12/70	Raese Period Furniture, creditor's claim	313.92
34	12/70	Vicente Pharmacy, creditor's claim	58.57
35	...		

SCHEDULE B

1 Estate of Marilyn Monroe: LASC No. 458,935

2

3	12/70	Pacific Telephone, creditor's claim	14.66 ✓
4	12/70	Agnes M. Flanagan, creditor's claim	840.00 ✓
5	12/70	Dr. Hyman Engelberg, creditor's claim	478.00 ✓
6	12/70	Malone Studio Service, Inc., creditor's claim	111.90 ✓
7			
8	12/70	Magnetic Springs Water Co., creditor's claim	3.60 ✓
9	12/70	Drs. Conti & Steinberg, creditor's claim	25.00 ✓
10	12/70	General Telephone, creditor's claim	274.61 ✓
11	12/70	Sam S. Tateishi, creditor's claim	40.00 ✓
12	12/70	Rand-Fields, Inc., creditor's claim	205.59 ✓
13	12/70	Don J. Briggs, Inc., creditor's claim	215.41 ✓
14	12/70	James M. Attley, dba The Adair Co., creditor's claim	29.85 ✓
15	12/70	A. Ray Tolman, creditor's claim	150.00 ✓
16	12/70	Allan Snyder, creditor's claim	1,800.00 ✓
17	12/70	Buzin News Co., creditor's claim	24.00 ✓
18	12/70	Austin A. Innes, creditor's claim	44.17 ✓
19	12/70	Dr. Ralph R. Greenson, creditor's claim	1,400.00 ✓
20	12/70	Francis-Orr Stationery Co., creditor's claim	5.55 ✓
21	12/70	Jack M. Ostrow, creditor's claim	2,500.00 ✓
22	12/70	Edward P. Halavaty (A-1 Lock & Safe Co.), creditor's claim	17.28 ✓
23	12/70	The Arthur P. Jacobs Co., creditor's claim	797.95 ✓
24	12/70	Mura Bright, creditor's claim	1,050.67 ✓
25	...		

1 Estate of Marilyn Monroe: LASC No. 456,235

2

3	12/70	Norman Jeffries, creditor's claim	180.00 ✓
4	6/7/72	Fidelity Van & Storage Co. Inc. - storage charges 5/23-6/23/72	76.50
5			
6	7/24/72	Allied Van Lines - storage charges 6/23-8/23/72	51.00
7			.60
8	7/27/72	Bank service charges	
9	9/1/72	Behrendt-Levy Ins. Agency - executor's bond	202.00
10	8/25/72	Bank checks	6.32
11	8/25/72	Bank service charges	.80
12	9/12/72	Allied Van Lines - storage charges 8/23-9/23/72	25.50
13			.60
14	10/12/72	Bank service charges	
15	10/12/72	Allied Van Lines - storage charges 9/23-10/23/72	25.50
16	10/27/72	Allied Van Lines - storage charges 10/23-11/23/72	25.50
17			.60
18	10/27/72	Bank service charges	
19	11/29/72	Allied Van Lines - storage charges 11/23-12/23/72	25.50
20	11/29/72	Gang, Tyre & Brown - costs (see Schedule (1) attached)	27.01
21			.60
22	11/29/72	Bank service charges	.70
23	12/31/72	Bank service charges	
24	1/3/73	Allied Van Lines - storage charges 12/23/72-1/23/73	25.50
25	1/27/73	Bank service charges	.60
26	1/27/73	Allied Van Lines - storage charges 1/23-2/23/73	25.50
27	...		
28	...		

SCHEDULE B

(5)

1 Estate of Marilyn Monroe: LASC No. 458,935

2

3	2/16/73	Behrendt-Levy Ins. Agency, executor's bond	28.00
4	2/27/73	Bank service charges	.70
5	3/7/73	Allied Van Lines - storage charges 2/23-3/23/73	25.50
6	3/30/73	Bank service charges	.60
7	4/30/73	Bank service charges	.50
8	5/25/73	Bank service charges	.50
9	6/4/73	Bank charge for bounced check	3.00
10	6/30/73	Bank service charges	.60
11	7/29/73	Bank service charges	.60
12	8/30/73	Bank service charges	.60
13	9/27/73	Bank service charges	.60
14	10/28/73	Bank service charges	.60
15	11/28/73	Bank service charges	.60
16	12/28/73	Bank service charges	.60
17	1/27/74	Bank service charges	.60
18	2/27/74	Bank service charges	.60
19	3/24/74	Bank service charges	.60
20	4/30/74	Bank service charges	.60
21	5/30/74	Bank service charges	.60
22	6/30/74	Bank service charges	.60
23	7/18/74	Gang, Tyre & Brown - costs (see Schedule (1) attached)	45.35
24	7/30/74	Bank service charge	.60
25	8/30/74	Bank service charge	.70

26 ...

1	<u>Estate of Marilyn Monroe:</u>		IASC No. 458,935
2			
3	9/30/74	Bank service charges	\$.60
4	10/30/74	Bank service charges	.60
5	11/30/74	Bank service charges	.60
6	12/30/74	Bank service charges	.60
7	1/30/75	Bank service charges	.60
8	2/30/75	Bank service charges	.60
9	3/30/75	Bank service charges	.60
10	4/21/75	Frank B. Hall & Co. - executor's bond	202.00
11	4/30/75	Bank service charges	.60
12	5/30/75	Bank service charges	.70
13	6/30/75	Bank service charges	.60
14	7/30/75	Bank service charges	.60
15	8/30/75	Bank service charges	.60
16	9/2/75	Franchise Tax Board - partial payment - California Income Tax	20,000.00 ✓
17	9/30/75	Bank service charges	.70
18	10/30/75	Bank service charges	.60
19	11/30/75	Bank service charges	.60
20	12/30/75	Bank service charges	.60
21	1/30/76	Bank service charges	.60
22	2/9/76	Franchise Tax Board - balance of payment for California Income Tax	32,139.73 ✓
23	3/15/76	Bank service charges	.60
24		Total Disbursements	\$ 124,921.18
25			
26	...		
27	...		
28	...		

SCHEDULE B

(7)

1 COSTS ADVANCED BY GANG, TYRE & BROWN2 Statement - July 26, 1963:

3	Los Angeles City Health Department		
4	for Death Certificates	\$	16.00
5	Telegram 8/15/62 - New York		9.00
6	Telephone - New York - Night calls		71.00
7	Los Angeles County Clerk - Filing		
8	Ancillary Letters		15.50
9	Metropolitan News - Publishing fees		33.00
10	Metropolitan News - Publishing re:		
11	Sale of House		45.00
12	Messengers		16.10
13	Certified Order Admitting Foreign Will		1.00
14	Letters Testamentary		5.00
15	Bond - Behrendt-Levy Insurance Agency		27.50
16	James M. Hall - Appraiser		96.72
17	Additional Bond - Behrendt-Levy Insurance		
18	Agency		204.50
19	Copy of MCA claim		2.00
20	Copy of Order Confirming Sale		2.00
21		\$	544.67 ✓

22 Statement - August 10, 1964:

23	Behrendt-Levy Insurance Agency -		
24	Bond renewal		201.75
25	Eunice Murray - Salary - housekeeping		
26	services August 5, 1962 to August 18, 1962		400.00
27			601.75

28 Statement - October 15, 1964:

29	Fidelity Van & Storage -		
30	Furniture moving and storage	1,028.45	1,028.45

SCHEDULE (1)

(1)

1 COSTS ADVANCED BY GANG, TYRE & BROWN2 Statement - March 4, 1965:

3 Copies of exhibit re: MCA Claim 3 23.50 5 23.50

4 Statement - July 1, 1970:

5 Order Fixing Inheritance Tax .50

6 Photostatic copy of Court Register 3.00

7 REA Express - shipping personal effects 27.15

8 40.65 ✓

9 Statement - November 29, 1972:

10 Telephone charges - 1972 27.01

27.01 ✓

11 Statement - July 8, 1974:12 Telephone, telegraph & messenger
charges - 1973-74 17.3513 Frank B. Hall Insurance Agency -
bond renewal 28.00

45.35 ✓

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1 Estate of Marilyn Monroe: LASC No. 468,935

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3

GAINS ON SALES

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5 Sale of Helena Drive property, real and
6 personal property sold as a unit:

7

Gross sale price as a unit \$ 92,150.00

8

Appraised value: real property \$ 87,000.00
personal property 500.00 87,500.00

9

10 Gain on Sale \$ 4,650.00

11

12 Sale price additional personal property:

13

Sale price \$ 1,558.00

14

Appraised value 1,089.00

15

Gain on Sale 469.00

16

17

TOTAL GAINS ON SALES \$ 5,119.00

18

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1 Estate of Marilyn Monroe: LASC No. 458,935

2

3

ASSETS ON HAND AT MARCH 15, 1976

4

5 Clothing and personal effects \$ 420.00

6 Balance of furniture and furnishings 897.00

7 Gibraltar Savings and Loan savings account 4,682.23

8 Brentwood Savings and Loan savings account 20,081.16

9 Cash on hand 25.50

10

Total Assets on Hand

\$ 26,375.89

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SCHEDULE D

1 Estate of Marilyn Monroe: LASC No. 439,935

2

3

ESTATE ACCOUNTED FOR

4

5 Inventory and Appraisement \$ 92,781.00

6 Income receipts (interest on savings
7 accounts) 12,057.39

8 Gains on sales 5,119.00

9

TOTAL ESTATE ACCOUNTED FOR \$116,957.39

10

11

12

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14

Computation of Statutory Fees

15

16 $2\% \times 116,957.39 = 2,339.15$

17 plus 630.00

18 \$ 2,969.15 ✓

19

20

21

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EXHIBIT II

1 Estate of Marilyn Monroe: LASC No. 458,935

2

3

STATEMENTS RE ADDITIONAL FEES

4

5 In order to assist the Court in understanding the extent,
6 detail and urgency of the services rendered by the ancillary
7 executor, the special administratrix and the attorneys for
8 the ancillary executor, in connection with the requests for
9 fees set forth below, petitioner points out the following:

10 Decedent was a world-famous motion picture actress.
11 She died suddenly and unexpectedly. At the time of her
12 death, she was in the process of remodeling a house at
13 12305 5th Helena Drive, Los Angeles, California, which she
14 had recently acquired. There was a substantial trust deed
15 encumbrance on the property. There was no cash available in
16 California. There was not sufficient cash available at her
17 domicile in New York to meet all of her obligations. There
18 were 35 creditors' claims filed in the ancillary administra-
19 tion in California alone. There were mobs of curiosity
20 seekers who came to the house, many of whom sought to buy
21 or remove curios and memorabilia. There was no family member
22 who could supply any assistance in the supervision of the
23 decedent's affairs or in taking over any of her responsi-
24 bilities.

25 It is against this background that the requests for fees
26 in this estate must be viewed.

27

28

1 Estate of Marilyn Monroe: LASC No. 458,915
 2

3 A. EXTRAORDINARY SERVICES OF ANCILLARY EXECUTOR
 4

5 The ancillary executor advised and consulted with
 6 respect to all the matters set forth in the statement regard-
 7 ing extraordinary attorneys' fees set forth below. In this
 8 connection, further, said attorneys consulted with the
 9 ancillary executor with respect to all decisions throughout
 10 the entire period of almost fourteen years that this estate
 11 has been in the process of administration. The ancillary
 12 executor made four trips to California during said period of
 13 time to supervise the handling of decedent's affairs in this
 14 state.

15
 16 Without limiting the generality of the foregoing,
 17 the ancillary executor's extraordinary services with respect
 18 to California administration specifically included: (1) advice,
 19 consultation and decision-making with respect to the sale of
 20 the real and personal property, as set forth above in the Petition
 21 to which this Exhibit is attached; (2) assistance in determina-
 22 tion of all matters relative to the California Inheritance Tax
 23 Affidavit, including location of witnesses and procuring
 24 their affidavits as to decedent's intention with regard to her
 25 residence in California; and (3) consultation, review, fact-
 26 finding and decision-making with respect to the claims and
 27 litigation in respect of the California fiduciary income tax
 28

1 Estate of Marilyn Monroe:

WASO No. 458,925

2

3 liability of the estate more particularly described in

4 Section C of this Exhibit III.

5 Petitioner estimates that his said extraordinary
6 services, over the period of almost fourteen years, required
7 more than one hundred forty (140) hours.

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EXHIBIT III

(3)

1 Estate of Marilyn Monroe: LASC No. 458,935

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3

C. EXTRAORDINARY SERVICES OF GARG, TYRE &
BROWN, ATTORNEYS FOR ANCILLARY EXECUTOR

4

5

6

1. Extraordinary services in connection with
the preservation of assets:

7

8

Upon the death of decedent, petitioner's attorneys
 9 immediately examined decedent's property; cooperated in
 10 supplying information in connection with the coroner's inquest;
 11 handled conferences with the press and media with reference
 12 to the decedent and her affairs; negotiated and supervised
 13 the disposition of decedent's pet dog; arranged for continuing
 14 housekeeping services during the period immediately following
 15 decedent's death and for secretarial services to be rendered in
 16 replying to the thousands of letters (literally) received fol-
 17 lowing decedent's death; arranged to have private detectives
 18 guard decedent's home day and night; arranged for the bank
 19 which held the encumbrance on the property to advance funds
 20 and take no steps to declare a default until such time as
 21 moneys could be provided through a sale of the property; and
 22 arranged for the Special Administratrix to be appointed so
 23 that any loss or waste to the estate could be minimized.

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Petitioner's attorneys allege that they expended
 more than 25 hours in connection with the above services, all
 of which were of an emergency nature.

...

...

EXHIBIT III

1 Estate of Marilyn Monroe: LASC No. 440,246

2

3 2. Sale of Real Property:

4 After the appointment of the ancillary executor,
5 petitioner's said attorneys supervised the sale of decedent's
6 home and some of the personal property located therein. This
7 involved the preparation and publication of a Notice of Sale -
8 of Real and Personal Property As a Unit for Private Sale;
9 preparation of a bid form with respect to the property, copies
10 of which were circulated among a number of real estate broker-
11 age houses; conferences with Mrs. Nelson, who was actually
12 showing the premises to prospective purchasers; negotiations
13 with the ultimate bidder to obtain the best possible purchase
14 price; preparation of Return of Sale of Real and Personal
15 Property as a Unit; attendance at the court hearing thereon;
16 preparation of the Order Confirming Sale and the Executor's
17 Deed, and following through with respect to all of the details
18 of the escrow until the transaction was finally complete.

19 Petitioner's attorneys estimate that they expended
20 not less than twenty (20) hours in connection with the foregoing.

21 3. Disposition of furniture and furnishings

22 Since there were no special provisions made for
23 the furniture and furnishings of the decedent and since it
24 was believed that many of them would have a substantial
25 value, either intrinsically or because of association with
26 the decedent, it was necessary to specifically inventory and

27 ...

28 ...

EXHIBIT III

(19)

1 Estate of Marilyn Monroe: LASC No. 458,935

2
3 arrange for storage of all of the items involved. However,
4 before the furniture and furnishings were removed, the pur-
5 chaser of the real property requested the opportunity of
6 buying certain of the items that were specifically designed
7 for use in the house. Petitioner's attorneys, therefore,
8 met with the buyer, so that the latter could designate which
9 items he desired. Thereafter, petitioner's attorneys had
10 these items separately appraised so that they could be sold
11 at not less than the appraised value, and prepared the
12 Return of Sale of Personal Property and the Order based
13 thereon, and drew the necessary documents to complete the
14 transaction. Said attorneys then arranged with the Special
15 Administratrix so that prior to delivery of possession of the
16 house to the buyer, all the remaining items of furniture and
17 furnishings could be boxed and stored with a warehouse.

18 Petitioner's said attorneys estimate that they
19 expended ten (10) hours in connection with the foregoing ser-
20 vices.

21 4. Extraordinary Services Re Creditors' Claims:

22 Following decedent's death, there were thirty-five
23 creditors' claims filed against the estate in California.

24 While petitioner's attorneys recognize that the processing
25 of creditors' claims is part of the normal duties of admin-
26 istration, for which statutory fees are allowed, said

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28 ...

1 Estate of Marilyn Monroe: LASC No. 459,935

2

3 attorneys point out that, in this estate, a portion of the
4 services were extraordinary in that there was no one alive in
5 a position to advise as to the accuracy of the various claims
6 or the extent of decedent's outstanding obligations. As a
7 consequence, said attorneys had to make independent investiga-
8 tions with respect to said claims, which involved, among
9 other things, separate meetings with many of the claimants
10 to examine into the nature of the claim.

11 Furthermore, in connection with the claim of Mura
12 Bright, the interior decorator, it was necessary to analyze
13 a large number of items to determine whether there was a
14 firm commitment or merely a proposed estimate which could
15 be canceled. In this connection, petitioner's attorneys
16 arranged to cancel an order for a rug from Mexico, which had
17 been ordered and woven to size in Mexico and was at that time
18 being held for delivery. In addition, there were demands
19 from the Los Angeles Bureau of Customs regarding a carton
20 containing a specifically constructed chest, which the Bureau
21 of Customs was holding for transportation and storage charges.
22 Upon investigation, it appeared that the decedent had paid
23 \$350.00 for the chest and that the total charges to redeem
24 amounted to approximately \$300.00. After several consulta-
25 tions with the interior decorator, petitioner's attorneys
26 recommended to the ancillary executor that the chest not be
27 ...

28 ...

1 Estate of Marilyn Monroe: LASC No. 459,915

2

3 redeemed but that the Bureau of Customs be allowed to sell
4 it for the charges.

5 In connection with the creditor's claim of MCA
6 Artists, Ltd., said attorneys were required to review
7 extensive agency contracts in order to advise the ancillary
8 executor as to the basis for the claim and its propriety.

9 Subsequently, when the time came to pay the claims, said
10 attorneys suggested to the ancillary executor the arrangement
11 whereby the creditor's claim of MCA Artists, Ltd. could be
12 paid out of the domiciliary probate estate in New York, so
13 that the claim, including the contingent portion thereof,
14 could be released in California, the ancillary administration
15 be released in California and the administration settled.
16 Said attorneys, further, handled the negotiations with respect
17 thereto, insofar as the California representatives of the
18 claimant were involved.

19 Petitioner's said attorneys estimate that their services
20 in connection with the handling of those aspects of the
21 creditors' claims set forth above, over and apart from the
22 normal services of handling creditors' claims, involved ap-
23 proximately twenty-five (25) hours of time.

24 ...

25 ...

26 ...

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